THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.13808 of 2005

Dated 24-11-2005

Between:

K.Manmadha Rao **.....** PETITIONER

AND

1. The Superintendent of Police, Srikakulam

District, Srikakulam and others. **.....** RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.13808 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondents in opening rowdy sheet against the petitioner and continuing the same as arbitrary and illegal.

The petitioner states that he is a permanent resident of Peddakota village, L.N. Peta Mandal, Srikakulam District and he was elected as member of M.P.T.C. by contesting on behalf of a political party and he is continuing as such. In the year 1997, a rowdy-sheet was opened against him on the basis of baseless allegations made by some of the members belonging to the opposite political party. The petitioner states that he was never convicted in any criminal case and therefore opening of rowdy-sheet and continuing the same till today is contrary to the Standing Order No.742 of The Andhra Pradesh Police Standing Orders as well as the guidelines issued by this Court in a series of decisions. Hence, this writ petition.

On behalf of the respondents, the Station House Officer, Sarbujjili Police Station, Srikakulam District filed a counter-affidavit in which it is stated that the petitioner was involved in about six criminal cases. However, the fact that he was acquitted in all cases and as of today no cases are pending against him has not been disputed. It is further contended that in view of the involvement of the petitioner in the offences causing breach of peace and tranquility, as per the orders of the Sub-Divisional Police Officer, Srikakulam, a rowdy-sheet was opened against him on 13-10-1999 and the same is valid upto 31-12-2005. It is further stated that rowdy-sheet was opened to keep a watch on the movements of the petitioner and to have surveillance.

The learned counsel for the petitioner while placing reliance on a decision of a Division Bench of this Court in **B. SATYANARAYANA REDDY vs. STATE OF ANDHRA PRADESH** submits that the offences alleged against the petitioner have nothing to do with the breach of peace and therefore the alleged offences cannot constitute basis to classify the petitioner as a rowdy-sheeter.

Having regard to the facts and circumstances of the case and keeping in view the guidelines issued by this Court in B. SATYANARAYANA REDDY'S case (1 supra) and particularly the of Standing Order No.742 of the A.P. Police Standing Orders, I deem it appropriate to dispose of the writ petition with a direction to the first respondent – Superintendent of Police, Srikakulam District to review the case of the petitioner in the light of the legal position as indicated above and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order and to communicate the order to the petitioner. No costs.

_____ (**G. ROHINI, J**)

Date:24-11-2005

Gbs